

1964

CONGRESSIONAL RECORD — APPENDIX

A3747

Supreme Court-created "one man—one vote" formula, and that was that.

Read in the context of the unprecedented record it has made during the past 10 years on subjects including, but not restricted to, crimes, communism, colored people and prayer in the schools, the Court's reapportionment decisions confirm the fact that this august tribunal has all but abandoned its historic function of deciding cases for the more exciting role of conducting a new American revolution.

In reviewing this ominous record, the U.S. News & World Report (June 29, 1964) points out that "a whole new pattern of authority is emerging." This is an understatement. The record reveals that in case after case, the constitutional power of State government has been deliberately diminished—the scope of Federal power enlarged, and the Supreme Court itself vaulted into the high position of general manager of the general welfare.

Editorial comment on the June 15 reapportionment decisions was disturbed, but characteristically deferential. The sharpest and most candid criticism came from the Court itself in the dissenting opinion of Justice Harlan.

Said he: "The local district court or the State court are given blanket authority and the constitutional duty to supervise apportionment of the State legislatures. It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States. * * * In my judgment, today's decisions are refuted by the language of the amendment which they construe * * * they are unequivocally refuted by history and by consistent theory and practice from the time of the adoption of the 14th amendment until today. The Court's elaboration of its new constitutional doctrine indicates how far and how unwisely it has strayed from the appropriate bounds of its authority."

How much further is the Court prepared to go in the enforcement of its "one man—one vote" legislation? Deferentially and diffidently, but nevertheless pointedly, the Washington Star speculates (June 18, 1964), "one may be pardoned the suspicion that what is ruled right for the States today may logically be ruled right for the Federal Government tomorrow. Why should not every vote, for example, have the same value when it comes to the election of the President? * * * For that matter, what is the modern justification for the U.S. Senate under the philosophy of those rulings? What indeed is the justification for the Federal system itself? * * * The Supreme Court has moved into uncharted territory. Whether the potential dangers materialize, as we move ahead, depends upon the practical and moral judgment of nine very powerful men."

Which is to say, in substance, that we are now approaching a government not by the Constitution and by ascertainable law—but by nine men—appointed for life. What does that portend? Back to Justice Harlan again: "This decision involves the Court amending the Constitution. If the time comes when this Court is looked upon * * * by the Court itself as the repository of all reforms, I think the seeds of trouble are being sown for this institution."

Many people believe that those seeds of trouble have already been sown and that some of them have already sprouted.

On the House floor (June 19) Congressman JOHANSEN, of Michigan, asked: "Are the American people being given a preview of the obituary of the Republic? If the potential dangers (from these decisions) * * * are to be averted it will not be through the Casper Milquetoast attitude of resigned acceptance. Only the Congress can call a halt * * * but the method once chosen, must be pursued with speed and all-out effort."

The proper method—as I have stated before on this program—is for Congress to strip

this arrogant, incompetent Supreme Court of its appellate jurisdiction; of its power, in other words, to hear cases appealed to it from lower courts. This the Congress has the expressed constitutional power to do (U.S. Constitution, art. III, sec. 2) and the present dangerous direction of the Supreme Court makes it the sworn duty of Congress to exercise that power now.

Tell Congressman JOHANSEN to introduce the appropriate legislation and tell your own Congressman to support it.

The Confederate Air Force

EXTENSION OF REMARKS OF HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 2, 1964

Mr. TEAGUE of Texas. Mr. Speaker, the Confederate Air Force made up of flight-minded men from all walks of life have undertaken the worthy project of endeavoring to collect and preserve one each of the World War II vintage aircraft.

In an effort to explain the Confederate Air Force to those who were not familiar with the spirit which motivates it, Mr. Ed Syers wrote an article on this group of men which appeared in the Texas Parade magazine. Under leave to extend my remarks in the RECORD, I wish to include this article.

THE SPIRIT OF THE CONFEDERATE AIR FORCE

Underlying all the tongue-in-cheek humor of this Rebel squadron, overriding their non-profit shows where their "Beauregard Flips, Do-wa-Ditties and Whifferrills in Echelon" are a slightly slower version of the jet-teamed Blue Angels—out of all this, one thing stands clear and nationally important.

CAF is a dedicated undertaking to maintain a museum of great fighter planes—ours and theirs: Mustang to Messerschmitt; Hellcat to Zero—ready to fly to any place in our land and show what fought in the skies over 30 million of us in World War II.

Further, it is the world's only such enterprise. It's too late for another.

Finally, it is a privately underwritten struggle against incredibly indifferent Government policy. Many of the planes it seeks are near extinction—smelted to aluminum ingots.

How did all this happen?

Some years ago, a group of Texas flyers bought a surplus North American P-51 Mustang for the sheer love of flying. To Air Force men, it is the greatest flying machine—prop-driven—ever devised by man. This knife-like killer flew more than 200,000 combat sorties, destroyed nearly 10,000 enemy planes.

Spitfire pilots might argue. So might those who flew the deadly M.E.'s with the ominous swastikas. Navy men in the Texas cadre did argue.

A growing group of air-minded men, ranging from businessmen and farmers to doctors and schoolmen, sought Navy's best: Grumman F8F Bearcat. They raced the two. What came out was a performance tossup.

Far more important, came a determination to collect all the great fighters and to maintain them at their proud, past best.

Other flight-minded men, in and out of Texas, became interested and, at the same moment, ran head-on into a race against time and redtape. World War II's warriors, under enigmatic Government edict, were near

extinction. The F4F Wildcats, P-39 Airacobras, P-40 Warhawks were almost gone. Very nearly so were the F4U Corsairs, P-38 Lightnings, F6F Hellcats.

The great P-47 Thunderbolt was gone. One of those sold to Nicaragua could be repurchased by our civilians at a cool \$8,000.

Surplus disposal plants like Texas' Pyote already had cremated their thousands. At the Davis-Monthan base in Arizona, what the searchers found—plane after plane clipped and melted—made these men cry, then made them mad.

"Just one each," they wanted. "Just one to show all our kids what helped win that war."

Government policy said no further sale, simply disposal. Private use was the banned word. The proposed museum was construed "private use."

So they bought where they could. And they created the Confederate Air Force, an imaginary Southern air militia in defiance of "Yankee" orders which had killed their planes.

And Confederates sprang up on both sides of the Mason-Dixon. South Dakotan Joe Foss, for example, with 27 Rising Suns to remember. Able Texas Congressman Joe Kilgore, who bombed so low-level he could have plucked cactus pears each time he pulled up.

There appeared, in full-bloom cornpone and hominy grits tradition, an imaginary Col. Jethro E. Culpeper, who looks like Stonewall Jackson and awards top citations such as "Silver Magnolia Blossom (Heroic)."

Depend on it: deal with Confederate Air Force and you deal with Jethro E. Culpeper, colonel CAF, commanding. There is a reason.

The 80-plus men who now support this air militia want Colonel Jethro out front lest any of them seem to seek personal publicity and thus destroy their real intent: that thin line of flying fighters ready for display, flying or static, anywhere in the United States.

They put on shows at "friendly Union outposts" such as the one which drew 150,000 to their planes at Ellington Field, Houston.

They are gray-uniformed, shoulder-patched, Confederate-winged flyers who sing the airmen's rollicking, unprintable songs like "Save a Fighter Pilot," "Itazuke Tower," and "Barnacle Bill, the Pilot."

When one of their number gets in a jam (as one did, upside down in his P-40 with a dead engine), their Colonel Culpeper awards him a double-talk citation referring to the "forebysider inadvertently disengaging from the hemmingway which * * * severed the cotton pickin' franistan; and the engine quit."

He rated the citation. He could have taken the highway, but he took out a barbed wire fence and part of a plowed field, instead. CAF was proudest because he saved that Warhawk, the type dating back to Chennault's Flying Tigers.

I think, however, that for the magnitude of their undertaking—and it is a magnificent one, in which these men give and give of their time and money to preserve a flyers' shrine—perhaps they may ease off the Confederate angle just a little.

This flying fleet is of national importance. Colonel Culpeper states it in a couple of serious asides in his general orders: "Our purpose."

"Perpetuate in the minds and hearts of all Americans the spirit and memory of the accomplishments of these great airplanes."

"Our ultimate goal is to have a complete line of World War II fighters, in flying condition and ready to go."

There was the graceful, deadly Corsair we knew in the Pacific. She fought first with the Marines on Guadalcanal, boasts the longest service record of any American fighter, nailed 2,140 Japanese aircraft with a loss of 189 of her comrades in arms. She

was still good enough to take a jet Mig over Korea.

The Bearcat that can climb to 10,000 feet in 92 seconds.

The FM2 Wildcat. We stopped before this stub that was all engine and guns.

"Butch O'Hare got six Jap bombers in 4 minutes in one like that," somebody said. "He's a kind of posthumous member of this outfit."

I was looking at about the last of the Wildcat breed. It had big painted Confederate Air Force just behind the pilot's canopy.

You see, this isn't Confederate Air Force at all, except in the delicate sense that all Americans are rebels at heart—or we've lost a country.

This air force is the business of all of us. It is a nonprofit corporation to dedicate and memorialize. And it needs help now.

Check its charter with the Texas secretary of state. Its quiet supporters have invested six figures in keeping alive a shrine that ranks with the Alamo.

Smithsonian or Washington might have done it, but they still have the Enola Gay (the one for Hiroshima) in crates. And had we left the Alamo up to Government preservation, it would be office space today.

CAF needs some specifics like a full-time mechanic, equipment, and parts. They need scant inside personnel to handle the deluge of mail asking for shows, never realizing that every dime comes out of these men's pockets just as it costs some Confederate Colonels about \$100 to make ready, then take me up.

CAF needs maintenance and operating fuel.

It needs a sponsoring foundation or company or patriot. Otherwise, it inevitably faces Appomattox.

Our sons need CAF. It is last remaining proof that nothing whips America in the air.

Anytime you're deep in the valley, you can drive beyond Mercedes 2 miles, turn north into the resacas and pencil-thin palms and find the Rebels at what was old Central Valley Airport.

I drove away, wondering why a little ship surface Navy man gets steamed up over the flyers' fight. Then I remembered old Roman Horatius, before he held the bridge; and it wasn't Air Force or Navy or Army at all—just America. "For the ashes of our fathers, and the temples of our Gods" was what Horatius exhorted.

And I recalled that we are trying to spend \$2.5 million to move some Egyptian temples from the backwash of their Aswan Dam.

And not a dime for the ashes of our fathers, the ones like Butch O'Hare, the thousands of them, for whom these Rebel planes stand.

They're scattered to the wind unless some Americans help.

They Shall Not Pass

EXTENSION OF REMARKS OF

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, July 20, 1964

Mr. THURMOND. Mr. President, the Aiken Standard and Review of Aiken, S.C., has published an outstanding and important editorial commentary on legislation pending in the Congress to drastically alter the McCarran-Walter Immigration and Nationality Act of 1952.

I ask unanimous consent, Mr. President, to have this editorial printed in the Appendix of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THEY SHALL NOT PASS

The national origins quota system, which is the backbone of the McCarran-Walter Immigration and Nationality Act of 1952, and of our highly successful immigration policy of the past dozen years, is under ruthless and sinister attack. Passage of any of several bills, now receiving token hearings in the Congress, would open the floodgates to Asiatic and African hordes, destroy the security screen that now protects us against the mass influx of Communist spies and saboteurs and subversives in general.

Specifically, the restraints of the quota system, which insures immigration proportional to the ethnic makeup of the Nation—and therefore assimilable—would be removed, and arbitrary control of origins placed in the hands of a board of politicians. The tide of immigrants would rise more than threefold—from 300,000 to more than a million.

Five years of committee hearings and exhaustive research preceded passage of the McCarran-Walter Act after thoroughgoing debate in both houses of Congress. Its destruction could come swiftly at the hand of a Congress eager to be off for the political wars in San Francisco and Atlantic City. The place to stop these sly, subversive bills (that have had mighty little publicity) is in the subcommittees where they now rest. But time is running with the freebooters determined to scuttle a vital safeguard, and only prompt and massive voter resistance can stop them.

This is our country. And this is our problem. We will not like the solution if it is left to the 90 leftwing organizations that are pushing to make this wardheeler's dream come true. Write or wire Chairman MICHAEL A. FEIGHAN, House Subcommittee on Immigration and Nationality, Washington, D.C. And by all means tell our own Congressmen and our Senators to hold fast to the national origins quota system. But don't, at our peril, wait till tomorrow.

Rogers Says Castro's Sister Presents U.S. With Opportunity

EXTENSION OF REMARKS OF

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 2, 1964

Mr. GIBBONS. Mr. Speaker, my distinguished colleague, Congressman PAUL ROGERS, recently suggested that the United States utilize Fidel Castro's sister's defection from Cuba by letting her tour the hemisphere telling our sister republics of the destruction wrought by communism.

The idea has been recognized in an editorial in the Hollywood Sun-Tattler, and I urge that it be included at this point in the RECORD.

[Article from Hollywood Sun-Tattler, July 2, 1964]

REPRESENTATIVE ROGERS CORRECT; UNITED STATES HAS OPPORTUNITY

The urging of U.S. Representative PAUL G. ROGERS that the United States capitalize on the defection of Fidel Castro's sister certainly should be heeded.

The most notable weakness of the Nation's worldwide "information" effort is that we

seemingly always place ourselves on the defensive, seeking to explain, and to apologize for our alleged shortcomings to the rest of the world.

In the areas of race relations, for example, the Nation's policy has been to evidence the attitude that ours is the only nation with such problems and our total effort should be directed toward "improving our image" rather than taking the initiative to point out the much greater shortcomings of the Communist bloc countries.

Now, as Representative ROGERS emphasizes, we have an unexcelled opportunity to mount a telling propaganda attack against the regime of the Cuban dictator. Why more scathing denunciation could be made than to have his own sister turn against him because of his shameful sell-out to the Communists?

To date, the Nation's record in dealing with what we call the Cuban situation has been one boo-boo after another. We have, in truth, been humiliated before the world by a rinky-dink island dictatorship because we have timidly remained on the defensive in every case.

Let's not lose this opportunity, too. The U.S. Information Agency and other agencies of the Federal Government can stir world opinion against Cuba now as it has never been stirred before.

The Incredible Court

EXTENSION OF REMARKS OF

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, July 20, 1964

Mr. THURMOND. Mr. President, I have been very pleased to read in the July 6, 1964, issue of the Manchester Union Leader, of Manchester, N.H., a reprint of an editorial from the State, of Columbia, S.C., entitled "The Incredible Court."

I ask unanimous consent, Mr. President, to have this outstanding editorial on judicial usurpation of power printed in the Appendix to the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Manchester Union Leader, July 6, 1964]

THE INCREDIBLE COURT

The first law of nations, as of nature, is self-preservation, but the Supreme Court of the United States obviously takes a different view.

The nine men who sit astride this country's Federal judiciary are steadily and brazenly taking our Government apart at the seams. Stitch by stitch, thread by thread, they are unraveling the fabric which was so carefully woven by the founders of this Republic.

The Supreme Court has long since assumed until itself an arrogance and an authority which were never granted it by the Constitution of the United States. Over the years it has positioned itself as the chief determinant of national policy, usurping the powers of Congress and—more often than not—implementing the political policies of the executive branch.

The Court has placed itself above the levels of the other two branches of Government, through default on the part of the legislative branch and through desire on the part of the executive.